
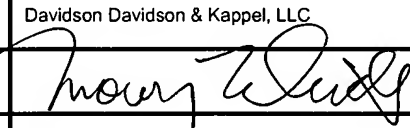
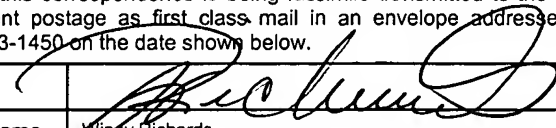


1Pw

	Application Number	10/668,627	
	Filing Date	September 23, 2003	
	First Named Inventor	Kazuko SHINOZAKI, et al	
	Art Unit	1616	
	Examiner Name	Not yet known	
Total Number of Pages in This Submission	50	Attorney Docket Number	382.1029DIV2

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Copy of Notice to File Corrected Application Papers (2 pgs); - Corrected copy of Specification (43 pgs); - Application Data Sheet (2 pgs); and - Return receipt postcard.
<div style="border: 1px solid black; padding: 2px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Davidson Davidson & Kappel, LLC		
Signature			
Printed Name	Morey B Wildes		
Date	June 21, 2005	Reg. No.	36,968

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Windy Richards	Date	June 21, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Kazuko SHINOZAKI, et al.
Serial No.:	10/664,741
Filed:	September 19, 2003
For:	ENVIRONMENTAL STRESS-TOLERANT PLANTS
Art Unit:	1638

Mail Stop: Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

June 21, 2005

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

S i r:

In response to the Notice to File Corrected Application Papers mailed June 14, 2005 with respect to the above-identified application, wherein the U.S. Patent and Trademark Office requested that a substitute specification be filed in compliance with 37 C.F.R. §§ 1.52, 1.121(b)(3) and 1.125, Applicants herewith submit a substitute copy of the specification wherein the specification has been corrected to be in compliance with 37 C.F.R. §§ 1.52, 1.121(b)(3) and 1.125. Applicants state that no new matter has been added to the specification.

Applicants note that no marked-up copy of the specification is enclosed herewith because no changes have been made to the text of the application in preparing the substitute specification submitted herewith. Instead, only the sheets of the application have been cleaned up so that they no longer contain markings etc. that make scanning and proper storing impossible. However, if the USPTO still requires a marked-up copy of the specification, Applicants request that the USPTO inform the Applicants, and one will be provided.

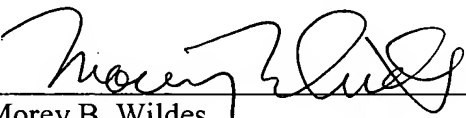
In addition, the Notice to File Corrected Application Papers stated that pages 41-66 of the specification (description and claims) are missing. Applicants note that pages 41-66 of the

priority application (U.S. Patent Application No. 09/301,217) contained the sequence listing, and Applicants submitted a replacement sequence listing for this application at the time of filing. Accordingly, pages 41-66 are not needed for this application, and Applicants have renumbered pages 67-69 of the application as pages 41-43 in the enclosed substitute specification.

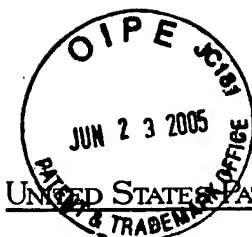
Applicants also herewith submit a revised Application Data Sheet to correct the Assignee information that was listed on the Application Data Sheet that was submitted with the application.

It is now believed that all grounds for the Notice to File Corrected Application Papers have been corrected, and it is respectfully urged that the patent application is in order for further processing. Early action to that end is respectfully solicited.

Respectfully submitted,
DAVIDSON, DAVIDSON AND KAPPEL, LLC

By: 
Morey B. Wildes
Reg. No. 36,968

DAVIDSON, DAVIDSON AND KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/668,627	09/23/2003	Kazuko Shinozaki	382.1029DIV2

CONFIRMATION NO. 7894

23280
 DAVIDSON, DAVIDSON & KAPPEL, LLC
 485 SEVENTH AVENUE, 14TH FLOOR
 NEW YORK, NY 10018

FORMALITIES LETTER



OC000000016274620

Date Mailed: 06/14/2005

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The substitute specification must be accompanied by a marked up copy as set forth in 37 CFR 1.125(c) and a statement that the specification contains no new matter (see 37 CFR 1.125(b)). The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
 - Papers must be legibly written either by a typewriter or mechanical printer in permanent ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and white paper. The text must be written in a nonscript type font (e.g., Arial, Times Roman, or Courier, preferably a font size of 12) lettering style having capital letters that should be at least 0.3175 cm. (0.125 inch) high. A font with capital letters smaller than 0.3175 cm. (0.125 inch) high is only acceptable if the writing is clear and legible. Application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic reproduction by use of digital imaging and optical character recognition. Pages 3 are not in compliance with 37 CFR 1.52(a) or (b).

The following item(s) appear to have been **omitted** from the application:

- Page(s) **41-66** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$400.00 petition fee (37 CFR 1.17(f))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$400.00 petition fee (37 CFR 1.17(f)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(f)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

G. Negash
Office of Initial Patent Examination (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE